1949. **File No.** O. Succession 49.

K Legal Department.

G BRANCH

Subject:— Opinion on the cases under the Indian Succession Act, 1949.

43

File No. O. Succession 1-49.

Gen. 194 c.

G 1/49

C O N T E N T S.

Legal Department File No. 0 / Succession /49.

S. No.	R. No./C. No.	Subject.	Pages.
		Options under the Indian Succession Act, 1949.	
1)	~~G/43~~ 11-1-49.	Question as to whom the amount of security (Rs. 400) deposited by one Miss Gulab Arte nee Sindhu Code who was employed as a Cashier in 1944 Govt. Grains Shop, be paid after her decease.	1-2.
2)	G/607 1-11-1949.	Whether payment due from Government to a person could be made to his widow on the authority of a declaration made by her on a duly stamped paper before a Presidency Magistrate that she was entitled to receive the amount as the widow of the deceased (copies not made).	3-6.

Nilesh 24/7

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Office of the P.L.A.

Under Note 2 under Financial Rule 40 it is laid down that claims on behalf of deceased Government servants in respect of security deposits lodged by them should be dealt with in the manner prescribed in Financial Rule 52(2) except that indemnity bond as prescribed in Appendix 1A should be taken in all cases before payment is made. Under Rule 52(2) it is permissible to pay an amount upto Rs. 500 without insisting on the production of legal authority, under orders of the officer responsible for the payment after such enquiry into the rights and title of the claimants as may be deemed sufficient. However, in case of doubt, payment is to be made only to the person producing legal authority.

In this case Miss Gulab Arte nee Sucha Code deposited the amount of Rs- 400/- with Government as security before here marriage and as the father has got the Chalan receipt it is not improbable that her father might have advanced the said amount to his daughter for securing employment. Whether Miss Arte has returned the father's money or not is not material for deciding this case. The amount was paid to Government by Miss Arte as security deposit and Government should return it to her legal heir. Under the Hindu law according to the Bombay School such a property would come under non- technical stridhan and hence minor son will be here legal heir if she has died intestate. (please see Sections 150 and 151 of Mullas Hindu law 9th edn. pp. 140-142). The father is the natural guardian of the person and separate property of his minor son(Section 518 ibid at p. 565). The amount of the securit. deposit may therefore be paid on behalf of the minor so to his father Mr. Code the husband of the deceased Mrs. Code after taking an indemnity bond from him in the prescribed form and after making further enquiry regarding the existence

of the minor son and the fact that she died intestate. Even in the absence of the minor son, the husband is the preferential heir to the father.

Sd/- G/1

Remembrancer of Legal Affairs.

U.O.P. to L.C.S. (Accts.) No. G/43, dated 11-1-49.

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